



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 6/29/2020  
 ORM Number: LRB-2020-00426  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: NY City: Town of Cicero County/Parish/Borough: Onondaga  
 Center Coordinates of Review Area: Latitude 43.149667 N Longitude -76.084461 W

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**D. Excluded Waters or Features**

Excluded waters (b)(1) – (b)(12): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.	N/A.
Ephemeral Ditch 1	1,000	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ephemeral Ditch 1 is not a relocated tributary, was not constructed in a tributary, and was not constructed in an adjacent wetland as per a review of aerial photographs, topographic maps, and on-site observations. The ephemeral nature of the ditch was determined by evaluation of historic aerial photographs, photographs taken at the time of the delineation, and on-site observations by the delineator and the Corps of Engineers indicating that water collects in the shallow depression after rainfall events and snow melt. At its origin, the ditch is linear in nature with some standing water which dissipates and becomes muddy and completely dry in other areas and was entirely vegetated. The ditch loses definition where it enters Wetland A, which is outside of the review area. The channel shows no evident scour and was excavated in non-hydric soils (7% hydric rating according to the web soil survey). Other than Ephemeral Ditch 1 being a shallow concave surface, no obvious indication of flow was observed.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Report dated June 2, 2020 and revised on June 19, 2020 by AECC Group on behalf of Lakewood Development, LLC](#)

This information is sufficient for purposes of this AJD.

Rationale: [Data sheets are sufficient](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other: Google Earth historic photos: 1995, 2005, 2008, 2011, 2015, 2017, 2019. Also Photos associated with the Wetland Delineation dated May 27, 2020](#)

Corps site visit(s) conducted on: [June 25, 2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [2006-02474, Issued May 9, 2008](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [June 23, 2020](#)

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

- USFWS NWI maps: [Cicero, New York Quad](#)
- USGS topographic maps: [Obtained from the ORM Mapping option](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">ORM mapping data, ESRI</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">NRCS Web Soil Survey on-line mapping resource on 06/23/20</a>

**B. Typical year assessment(s):** The APT calculations indicate that normal conditions prevailed when the delineation was conducted (05/27/20) with representative photos indicating only pockets of water, but fully vegetated. The APT calculations indicate that drier than normal conditions were assessed during the Corps site visit (06/25/20) where the ditch was only minimally wet and fully vegetated.

ATP calculations were also run for historic photos for the years 1995, 2005, 2008, 2011, 2015, 2017. There does not appear to be any clear correlation as to the presence/absence of water in the ditch and the rainfall for a "typical year".

**C. Additional comments to support AJD:** [N/A](#) or provide additional discussion as appropriate.